

Community Meeting on Mogollon Public Works Yard

Wednesday, May 18, 2016 5:30 pm

Joe C. Montoya Community and Senior Center

NOTE: The public and staff spoke about many dates and dollar figures during the discussion. The notes are meant to give an overview of the meeting's dialogue. Please refer to staff reports for accurate figures and dates.

Meeting Summary

There were approximately 150 people present for this public meeting, based on the room being filled to capacity. City staff from the Manager's office, Legal, Public Works, and Community Development were present. There were almost 50 comments and questions from the public during the 2 hour meeting and many participants who did not speak filled out written comment card. Everyone who spoke favored retaining the property for its original purpose of a park. The main issues discussed were:

- The legal status of the Mogollon Yard property
- The intent of past City Council actions concerning the property
- What justified the sale of the property versus other sources of funding the Core Services Yard
- What would the process and outcomes may be if the property was sold
- What are alternatives scenarios for the future of the property that could be presented to Council

I. II. Josh Copley provides opening remarks and introduces staff

III. Legal Issues – Sterling Solomon

The dedications in subdivision plat only included streets and allies, and not Thorpe Park.

City sold property out of the Clark property between 1923-1957

1947 voters approved the construction of the Mogollon Yard on the property.

First zoning of the property occurred in 1949.

Ordinance dedicating the land for park, recreation and museum purposes was never recorded (passed in 1957). Therefore, it did not create common law reliance. (Sometimes this is also referred to as a 1959 ordinance in the discussion)

The city did not have the intent to dedicate all of the property to the public when it was purchased in 1923 and the City took many actions in the 1940s to sell off portions of the property.

1957 ordinance – the City can amend or repeal an ordinance at any time.

Follow up questions:

- Clarifying question confirms that the dedication language in the plat did not exclude sale of the property for other purposes.
- Question about the legality of the sale of property prior to the 1957 ordinance

- Don't know what the legal advice was at that time.
- Are there other ways to generate \$2.2 million dollars that would be received from the sale of the property
 - Yes, that is an issue Council can discuss.
- Were specific streets and alleys named in the plat?
 - No
- What is the zoning of the property?
 - Public Facilities
- Had the 1957 ordinance been recorded, would it be clear that the property was a park?
 - For the purpose of individual property owners that would be true, because it would have established common law reliance.
- Are there minutes from the Council meeting related to the subdivision plat?
 - Yes. There are minutes and they have been gathered and researched.
- 1947 bond language – did it indicate that the area for construction was part of the park?
 - The language simply identified the Mogollon property.
- Are ordinances passed by the City Council typically recorded?
 - Yes.
- If it is an ordinance doesn't it have legal standing?
 - The ordinance from 1957 has legal status but it doesn't give adjacent property owners common law reliance that it is a park.
- Crowd suggested that the next meeting should be in an auditorium.
- Polled the room and almost everyone raised hands in support of making the property a park.
- If it were to be sold, it wouldn't be a public facility. What is the City's vision for what the property would be sold for?
 - Options reviewed later in meeting.
- Why are the schools, facilities, ballparks here?
 - Answered by member of the public: History of the area as the homestead of Thomas McMillan and sold it to John Clark. GLO survey in 1879, they designated this section of land for public use. This made it difficult for John Clark to sell the property which is why he sold it to the City.
- Procedural question- how does the ordinance get repealed?
 - Sterling Solomon explained process for 1st and 2nd readings
- What's the process for recording an ordinance and can it be recorded now?
 - It could but it would not create the reliance except for new property owners. It would not be retroactive.
- Park property did show up on the plat but it did not have dedicatory language to it.

IV. Mark Landsiedel explains process for different paths moving forward

Sell v. Retain – Council needs \$2.3 million dollars to fund the new public works yard based on the sale of City property. To Sell – there would have to be a rezoning process, which would have public involvement.

Follow up questions:

- It hasn't been made clear, are they (Council) required to open this process to the public?
 - Yes.
- Could you comment on the need for remediation of the site? It would need to happen no matter what. Would the city remediate the site?
 - Pat Bourke - yes. The site will be remediated. It was remediated in the 1990s and so there is less work to do.
- Wants to know what the remediation costs would be before the Council makes a decision. What would the cost of demolition be as well? The Council should know what they are dealing with up front in terms of the costs for each path forward. Also would like the city to identify the properties that the City would sell in place of this one if they choose not to repeal the ordinance. Don't want to see the same kind of meeting in a different neighborhood. The sale of property was an important part of the justification for the bond. Having a June 14th Council meeting is too soon if all that information is not available.
- Are we assuming in the process chart that the Sell step is a foregone conclusion? Aren't there steps the Council has to take before it can do that like repeal this ordinance from 1959?
 - In order to get to the "Sell" step there are several steps including repealing the 1957 ordinance.
- What environmental assessment has been done and how current is it?
 - Pat Bourke – Assessment is about 2 years old. The Phase 1 testing showed hot spots for environmental clean-up and a Phase 2 was completed. Phase 2 estimated \$60,000 for clean-up. Demolition for the existing buildings, except for stone building, was \$200,000 and included recycling materials from the demolition. The stone building was intended to be left for the developer to decide what to do with.
- \$2.3 million needed for new public works yard and what the property is really worth. This is a pretty "ace" location. Is the property more valuable than \$2.3 million dollars? The value of the property depends on how it is zoned.
 - Charity Lee – Appraisal done in 2014 is outdated, and she believes that there is more than \$2.3 million of value in that land.
- If Council repealed the 1957 ordinance, would it make it possible to sell off more portions of the park?
 - Sterling Solomon - The Council could do something short of a full repeal. They could amend the ordinance and leave the rest of the park.
- Has the City considered a bond issue to preserve and enlarge parks?
 - Josh Copley – not considering that right now. Parks and Recreation has been looking at that potential in the future.
- Under the Sell process, seems strange to put out an RFP before we rezone the property. Clarifying question about the zoning process under the "Sell" scenario.

- The property would go into escrow under the RFP before rezoning process and make the sale of the property contingent on the rezoning of the property. The RFP can include restrictions about what the property can be used for in the RFP.
- Does the process flow chart predicated on a repeal of the ordinance? Do you know something we don't?
 - We know nothing about what the City Council is going to do. Staff is not foreshadowing any result. Staff's job is to place input and options before the City Council.
- The City has a \$2 million shortfall in the cost of building a new public works yard. How much is it going to cost the city to get to the point where it can be sold. Are all these costs subtracted from the value the city is trying to earn?
 - Yes. The City is looking for net proceeds of \$2.3 million dollars. Costs of planning and going through a rezoning have not been calculated at this point.
- It is a positive thing that the Works Yard is being moved. Making up the \$2 million dollars is the next issue. For many years, the City Council opted into a 2% tax increase for property taxes. Several \$100,000 per year spread out among property owners. Council has declined that option for the last 4 years. You can go back and opt into past years. The current amount if they did that would be about \$2million dollars. This seems a viable option for Council to consider.
- Will the question to City Council be carving the 7.2 acres out of the ordinance or will it be to repeal the ordinance? Will this keep happening in the future?
 - Council can restrict the extent of their action. The Works Yard is the nexus of the decision.
- Is it necessary to sell the entire 7.4 acres?
 - The value may exceed what is needed and so we could look at selling only a portion of the site.
- Bonito Street – were the recent improvements completed to accommodate development and more traffic?
 - There is no conspiracy. The deal on Bonito was bad water lines and drainage issues and there is a school bus safety issue. This year we are working on Aztec. We have the Road repair and streets safety projects. Aztec is one of the lowest rated streets in terms of pavement conditions. It has nothing to do with development. It is only about improving the neighborhood.
- Question the wisdom of constructing anything in an area like Thorpe Park no matter what the density or form. Thinks of the park as a public land that should be preserved. \$2.2 million seems a measly amount compared to the public values.
- Can we go onto the City's website and find all the properties that could be for sale owned by the City?
 - No other properties in our inventory that would net the proceeds that the Mogollon Yard could. Coconino County Assessor's website can be searched but there is nothing currently on the City website.
- Suggests user fees for some recreational facilities to offset the cost of not selling the property.
- Appreciate the community meeting before the decision goes to City Council.
- Are the buildings on site condemned? Would it be possible to retain the buildings and turn them into another city function? Could they be repurposed for museum or something else?

- All the buildings on the site are currently being used. They could all potentially be renovated.

V. Dan Folke explains planning and zoning issues

Current zoning does not allow residential uses. The surrounding area is zoned for single family and medium density multifamily.

“Could we allow a project like the Hub in this neighborhood?” is a concern we have heard from the community. That project is zoned commercial and is using transect zoning. There is no existing transect right on this property, and there is no immediately adjacent commercial zoning. Commercial zoning does exist east of the property. It does not seem likely that the property would support a commercial rezoning. Also, there is also no activity center at this location in the Regional Plan, as there was in the case of the Hub.

Planning and Development Services could lead a neighborhood planning process to define compatible development prior to putting out the RFP. Because it would be awkward for staff to review something that came from the same staff, we would likely hire an outside consultant to prepare a rezoning application and lead the public process. Staff’s position is that continuing the existing development pattern would be appropriate if the property were sold. We could require the development to include features such as green building techniques or mixed income housing. When we develop the RFP, we could score the proposals based on these community determined criteria. Neighborhood planning would happen whether we rezone before or after an RFP.

Dan went over requirements for a rezoning case. Neighborhood meeting, hearings, etc.

Follow up questions:

- Is it possible to have a requirement for trees as part of the requirements for request?
 - Yes, that is possible.
- Is any rezoning required if the City retains and uses it as Park space?
 - No.
- Aquaplex – turned out differently than the public input on the process. How do we rebuild the trust?
 - Josh Copley - Going forward our commitment is to help repair the trust. We can’t speak to what happened years ago, but we are starting that process tonight. Dan – Planning staff always strives for an open and transparent process. Serving the public interest is a core responsibility of public planning.
- Parks and Recreation Commission considered this as an action item. The Commission rejected the idea of selling this property and recommended that the area be retained as a park. Disagrees that the Aquaplex is not what the community requested and that there is a second phase that still needs to be bonded.
- Voted for the bond issue but didn’t realize that there was a sale, because it was in the pamphlet and not on the ballot. There are probably people who voted for the bond and didn’t take the sale into account.
- The public is very interested in seeing other properties sold rather than this property.

- This is more than a neighborhood issue. This is a gem of our park system. It serves people even beyond the city of Flagstaff, softball tournaments and Regional events are part of what the park is seen as.
- Would the city go through the same process as the Hub?
 - Yes. The City has to use the same rezoning process as a private developer would.
- Zoning Code is very complex. The Townsite Overlay applies to the adjacent area. The greenhouse that used to be there was considered a community garden and the neighbors feel it was torn down without much notice.
- Neighborhood want to make sure the community character is preserved. The city could never afford to buy back this property and that we are passing on the opportunity to do something fabulous and could affect the entire west side.
- Zoning really affects property values. That seems to be a political choice for Council. Is there a minimum that the Council would need? Do we know what different zoning would do to the ability to generate the necessary funds for the property?
 - Don't know right now. Property with higher density can sell for more money, agreed.
- Buffalo Park is an example of how great the city can be. Staff works very hard and has a lot of influence on the community. The community is telling staff that they see this as park land.
- Could the Yard be a well site, because in City wells are needed, or could a stormwater detention pond be a consideration? There are a lot of other values that this property could have that are public facilities.
- Parks and Recreation commission did vote unanimously that they wanted to keep this as park land and they sent a letter to City Council that stated that. The west side of the City needs more park land. What is holding back park growth is that we do not have bonding capacity for more parks because we are paying off other debts. So each piece of park land we already have is precious.
- It is not necessary to rezone the property for it to stay a park, seems to imply that it was meant to be a park. Intent is important here and there is too much emphasis on legalities in the considerations of this issue.
- Commercial development in this area would be inappropriate. Traffic in this area is a major concern.
- Importance of parks in the City cannot be overemphasized, and there is concern that variances and conditional use permits could deteriorate the quality of life if apartments went in on this site.
- The City has allowed a lot of things on the west side but there is a lot of concern that the City has run off employers with restrictions. More buildings on the west side were deemed necessary by the City. So why if we have limited growth to protect views, why would we sell park land when we have limited growth of other areas, just for apartments. This seems to pit the citizens against the City without good reason. Scary.
- The Council is who is going to really make this decision. We really all need to show up to the Council meeting on the 14th of June, with 5000 rather than a few hundred residents.
- What is the City doing with the Armory that has been vacant for a few years? Who owns it and could the city acquire it?
 - City doesn't own the armory but there are always options that could be considered.

- Last year the citizens heard that the Council preference was for repeal of the 1957 ordinance. Are we at a blank slate place now? Can staff provide information to Council that is balanced in consideration of not selling the property and what could be done with it in that scenario?
 - The 1959 ordinance was not really a known issue last year and we thank the neighborhood for bringing those issues forward. The Public Works Yard has already been value engineered to the point there is nothing to cut from the new yard for savings. Staff will need to do more research on other options.
- Predication of rezoning for development should be presented with balance given to the weight of the public desire to continue with the intent of the public since the 1950's to see the area serve the community as a park.
 - Staff is not trying to push this in any particular way but the City does not have \$2.3 million dollars, will take some work to find. It isn't available at this time.

Closing remarks

Josh thanks the staff and recognizes that there was turn out from all over Flagstaff. Thanks everyone for being there. Staff will stay after to answer questions.

June 14th is a City Council work session so there will not be a decision on that night.